

AMENDED IN SENATE SEPTEMBER 9, 2003

AMENDED IN ASSEMBLY MAY 5, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 351

**Introduced by Assembly Member Bermudez Committee on
Budget**

February 11, 2003

~~An act to add Section 5089 to the Vehicle Code, relating to vehicles.
An act to add Chapter 1.695 (commencing with Section 5096.500) to
Division 5 of the Public Resources Code, relating to state lands.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 351, as amended, ~~Bermudez Committee on Budget. Vehicles:
special interest license plates: "CAL-PAL" program. State lands:
acquisition.~~

*Existing law authorizes various agencies to acquire land for
purposes related to conservation.*

*This bill would require an acquisition agency, as defined, prior to
approving the acquisition of conservation land, as defined, where an
agency proposes to spend more than \$25,000,000, to contract for at
least one independent appraisal of the fair market value of the land. The
bill would require the independent appraisal to be conducted by a
qualified member of the Appraisal Institute and reviewed by a qualified
independent appraiser retained by the acquisition agency for this
purpose.*

The bill would require the acquisition agency to make available for public review, among other things, the independent appraisal review, a summary of the basis for the recommendation of approval for the acquisition of the land, and any relevant environmental studies, documents, or other information.

The bill would provide that its procedures and requirements are in addition to, and do not amend, modify, or supplant, any procedures or requirements in specified bond acts for the acquisition of conservation lands.

The bill would prohibit, with a specified exception, conservation lands from being sold to another owner or having possession and control transferred to another agency, unless specified actions occur. The bill would require proceeds from the sale or transfer of conservation lands to be used solely for acquisition of conservation lands to achieve the same or equivalent objectives as the original acquisition of the property that was sold or transferred, or to further the purposes of the State Coastal Conservancy.

~~Existing law requires the Department of Motor Vehicles to issue special interest license plates to a person applying for the plates and paying certain fees. The plates contain a distinct design or decal of the participating organization and may be displayed in lieu of regular license plates. Existing law prohibits the department from issuing a special interest license plate until the participating organization has received and submitted to the department not less than 7,500 applications for that particular plate within certain time limitations.~~

~~This bill would require the department, in consultation with the California Police Activities League, to design and make available for issuance special interest license plates. The bill would require the issuance to be as required under existing law, with a distinctive design containing the name “California Police Activities League.”~~

~~The bill would require that the department, after deducting its administrative costs incurred under these provisions, deposit all revenue derived under these provisions, except as specified, in the Motor Vehicle Account in the State Transportation Fund.~~

~~The bill would require the Controller to make those funds available, upon appropriation, to the California Police Activities League for expenditure by that organization in support of its programs.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 5089 is added to the Vehicle Code, to~~
SECTION 1. Chapter 1.695 (commencing with Section
5096.500) is added to Division 5 of the Public Resources Code, to
read:

CHAPTER 1.695. PUBLIC REVIEW OF STATE AGENCY ACQUISITION
OF CONSERVATION LANDS

Article 1. General Provisions

5096.500. The Legislature finds and declares as follows:

(a) It is vital to ensure public confidence in amounts paid, and
procedures used, for the acquisition of property by state agencies
that spend taxpayer or bond funds.

(b) It is important to ensure that an acquisition agency act
expeditiously to purchase critically needed conservation lands for
their preservation and protection.

(c) The purpose of this chapter is to ensure that information on
the acquisition of conservation lands by state agencies is made
available to the public, while ensuring that these lands continue
to be acquired in an efficient and expeditious manner.

5096.501. For purposes of this chapter, the following terms
have the following meanings:

(a) "Acquisition agency" means the Wildlife Conservation
Board or the State Coastal Conservancy.

(b) "Conservation lands" means any land or interest therein to
be acquired by an acquisition agency, or that is owned by the state
and under the jurisdiction of the Wildlife Conservation Board, the
State Coastal Conservancy, the Department of Fish and Game, or
the Department of Parks and Recreation.

(c) "Major acquisition" means an acquisition where an agency
proposes to spend more than twenty-five million dollars
(\$25,000,000).

Article 2. Conservation Lands Acquisition Procedures

5096.511. Prior to any action by an acquisition agency to
approve a major acquisition of conservation lands, the acquisition

1 agency shall contract for at least one independent appraisal of the
2 fair market value of the land. The appraisal shall be conducted by
3 a qualified member of the Appraisal Institute who is licensed
4 pursuant to Part 3 (commencing with Section 11300) of Division
5 4 of the Business and Professions Code. The appraisal shall be
6 prepared pursuant to the Uniform Standards of Professional
7 Appraisal Practice.

8 5096.512. (a) In addition to review by the Department of
9 General Services pursuant to Section 1348.2 of the Fish and Game
10 Code, the appraisal prepared pursuant to Section 5096.511 shall
11 be reviewed by a qualified independent appraiser retained by the
12 acquisition agency for this purpose, and who meets the following
13 conditions:

14 (1) The review appraiser did not conduct the appraisal
15 pursuant to Section 5096.511 and has no financial interest in the
16 major acquisition.

17 (2) The review appraiser is licensed pursuant to Part 3
18 (commencing with Section 11300) of Division 4 of the Business and
19 Professions Code.

20 (b) The review appraiser shall review the appraisal and
21 prepare an appraisal review report that does all of the following:

22 (1) Summarizes the appraisal.

23 (2) States the basis on which the value of the land was
24 established.

25 (3) Describes the standards used to prepare the appraisal.

26 (4) Determines whether or not the appraisal meets the
27 standards established under the Uniform Standards of
28 Professional Appraisal Practice.

29 (c) The appraisal review report need not include the appraised
30 value of the property or any proprietary information provided by
31 or on behalf of the seller that is otherwise specifically exempt from
32 public disclosure pursuant to Chapter 3.5 (commencing with
33 Section 6250) of Division 7 of Title 1 of the Government Code.

34 5096.513. Not less than 30 calendar days prior to holding a
35 public hearing for the purpose of authorizing a major acquisition
36 of conservation lands, an acquisition agency shall make available
37 for public review a packet of information, except information that
38 is specifically exempt from being disclosed pursuant to the Chapter
39 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the

1 *Government Code, that includes, but is not limited to, the*
2 *following:*

3 *(a) A copy of the independent appraisal review prepared*
4 *pursuant to Section 5096.512.*

5 *(b) A summary of the basis for the recommendation of approval*
6 *for the major acquisition of the land made by the acquisition*
7 *agency.*

8 *(c) Any relevant environmental studies, documents, or other*
9 *information.*

10 *5096.514. Not more than 10 working days after the close of*
11 *escrow for a major acquisition of conservation land by an*
12 *acquisition agency, the acquisition agency shall make available to*
13 *the public all of the following information, unless it is specifically*
14 *exempted from being disclosed pursuant to the California Public*
15 *Records Act (Chapter 3.5 (commencing with Section 6250) of*
16 *Division 7 of Title 1 of the Government Code):*

17 *(a) A copy of the appraisal for the conservation land approved*
18 *by the Department of General Services.*

19 *(b) A copy of all other documents relevant to the purchase of the*
20 *conservation land, including, but not limited to, environmental*
21 *assessments or other documents not already disclosed pursuant to*
22 *Section 5096.513.*

23 *5096.515. The procedures and requirements established*
24 *pursuant to this chapter are in addition to, and do not amend,*
25 *modify, or supplant, any procedures or requirements established*
26 *pursuant to the Water Security, Clean Drinking Water, Coastal and*
27 *Beach Protection Act of 2002 (Division 26.5 (commencing with*
28 *Section 79500) of the Water Code) or the California Clean Water,*
29 *Clean Air, Safe Neighborhood Parks, and Coastal Protection Act*
30 *of 2002 (Chapter 1.696 (commencing with Section 5096.600)), for*
31 *the acquisition of conservation lands.*

32 *5096.516. (a) Except as provided in subdivision (c), no*
33 *conservation lands may be sold to another owner; or have*
34 *possession and control transferred to another agency, unless all of*
35 *the following occur:*

36 *(1) The selling or transferring agency prepares and makes*
37 *available to the public a detailed report that identifies why the*
38 *conservation lands no longer serve a needed conservation*
39 *purpose.*

1 (2) *The selling or transferring agency holds a duly noticed*
2 *public hearing to accept public comment on the proposed sale or*
3 *transfer of conservation lands.*

4 (3) *After compliance with paragraphs (1) and (2), the selling*
5 *or transferring agency finds, based on substantial evidence, that*
6 *the property no longer serves a needed conservation purpose.*

7 (4) *The sale or transfer of the land is authorized or approved*
8 *as part of the annual Budget Act or pursuant to specific legislation*
9 *authorizing the sale or transfer.*

10 (b) *Proceeds from the sale or transfer of conservation lands*
11 *shall be used solely for either of the following:*

12 (1) *The acquisition of conservation lands to achieve the same*
13 *or equivalent objectives as the original acquisition of the property*
14 *that was sold or transferred.*

15 (2) *To further the purposes of Division 21 (commencing with*
16 *Section 31000).*

17 (c) *The provisions of this section do not apply to any of the*
18 *following:*

19 (1) *The sale or transfer of conservation lands solely for the*
20 *purpose of boundary adjustments or consolidation of property*
21 *ownership.*

22 (2) *The sale or transfer of lands subject to a conservation*
23 *easement to keep lands in agricultural production.*

24 (3) *The sale or transfer to other public agencies or nonprofit*
25 *organizations to improve conservation management, public*
26 *access, historic preservation, or to protect or enhance the*
27 *biological value of conservation lands.*

28 (4) *The sale or transfer of conservation lands by the State*
29 *Coastal Conservancy when the sale or transfer of interests in land*
30 *is provided for, consistent with Division 21 (commencing with*
31 *Section 31000), at the time of acquisition of real property.*

32 (d) *The requirements imposed by this section are in addition to*
33 *any other requirements imposed by law or regulation.*

34 ~~read:~~

35 ~~5089. (a) The department, in consultation with the California~~
36 ~~Police Activities League, shall design and make available for~~
37 ~~issuance special interest license plates. The issuance and design~~
38 ~~shall be as required under this article, with a distinctive design~~
39 ~~containing the name "California Police Activities League." A~~
40 ~~person described in Section 5101, upon payment of the additional~~

1 fees set forth in subdivision (b), may apply for and be issued a set
2 of the special interest license plates described in this subdivision.

3 (b) In addition to the regular fees for an original registration, a
4 renewal of registration, or a transfer or substitution of the license
5 plates, the following additional fees shall be paid for the issuance,
6 renewal, retention, transfer, or substitution of the special interest
7 license plates authorized under this section:

8 (1) For the original issuance of the plates, fifty dollars (\$50).

9 (2) For a renewal of registration with the plates, forty dollars
10 (\$40).

11 (3) For transfer of the plates to another vehicle, fifteen dollars
12 (\$15).

13 (4) For each substitute or replacement plate, thirty-five dollars
14 (\$35).

15 (5) In addition, for the issuance of environmental license
16 plates, as defined in Section 5103, with the graphic design
17 described in subdivision (a), the additional fees prescribed in
18 Sections 5106 and 5108. The additional fees prescribed in Sections
19 5106 and 5108 shall be deposited in the Environmental License
20 Plate Fund.

21 (c) After deducting its administrative costs under this section,
22 the department shall deposit all revenues attributable to the fees
23 imposed under paragraphs (1) to (4), inclusive, of subdivision (b)
24 in the Motor Vehicle Account in the State Transportation Fund.
25 Upon appropriation, those funds shall be made available to the
26 California Police Activities League for expenditure by that
27 organization in support of its programs.

